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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	2:05-CR-00034-LKK
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER RECALLING
v.	)	BENCH WARRANT AND ISSUING
	)	SUMMONS TO APPEAR
DAVID TALCOTT USSERY,	)	
	)	
	)	Judge: Hon. Lawrence K. Karlton
Defendant.	)	
	)	
	)	

**STIPULATION**

The United States, by and through its undersigned counsel, and the defendant, by and through his counsel of record, hereby stipulate as follows:

1. On July 9, 2013, the defendant appeared before the Court on a supervised release violation petition. The Court sentenced the defendant to a term of imprisonment of time served and a fifty-two-month term of supervised release.

2. On November 4, 2013, the Probation Officer filed a supervised release violation petition and requested that the Court issue a

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1 bench warrant for the defendant's arrest. That same day, the  
2 Court issued a bench warrant for the defendant's arrest.

3 3. On November 11, 2013, the defendant was encountered by the San  
4 Francisco Police Department at a hospital in San Francisco. The  
5 defendant was in the hospital on account of a heart condition  
6 that required in-patient medical treatment.

7 4. The San Francisco Police Department notified the United States  
8 Marshals Service and the Marshals Service took custody of the  
9 defendant. The Marshals Service has exercised twenty-four-a-day  
10 custody of the defendant since Monday, November 11.

11 5. As of November 15, 2013, the defendant remains in the hospital  
12 and is unlikely to be discharged until late next week.

13 6. Given the defendant's medical condition and the need for in-  
14 patient medical treatment that is not immediately available in  
15 an in-custody setting, the parties request that the Court recall  
16 the bench warrant and instead issue a summons commanding the  
17 defendant's appearance on Monday, December 2, 2013, at 2:00 p.m.  
18 before Magistrate Judge Carolyn K. Delaney.

19 7. The Federal Defender's Office previously represented the  
20 defendant and requests that they be re-appointed in this case.

21 8. The Probation Officer does not join this stipulation, however,  
22 the Probation Officer will not oppose the stipulation.

23 **IT IS SO STIPULATED.**


24  
25 DATED: November 15, 2013 /s/ Justin L. Lee \_  
26 JUSTIN L. LEE  
Assistant U.S. Attorney

27 DATED: November 15, 2013 /s/ Tim Zindel \_  
28 TIM ZINDEL  
Attorney for David Talcott Ussery  
(as authorized on November 14, 2013)

ORDER

Pursuant to the parties' stipulation, the bench warrant issued on November 4, 2013 as to defendant David Talcott Ussery is RECALLED. The Clerk is directed to issue a summons commanding defendant Ussery's appearance on Monday, December 2, 2013, at 2:00 p.m. before Magistrate Judge Carolyn K. Delaney. Further, the Federal Defender is re-appointed in this case.

DATED: November 15, 2013

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT